

Freedom of Information Act

FOIAonline Part 1



LT Doug Lipe



Objectives

- ✓ Introduction
- ✓ Account Creation
- ✓ System Orientation
- ✓ Case Management
- ✓ In-Processing FOIA Requests
 - ✓ Phases of FOIA Processing
 - ✓ Fee Waiver & Expedited Processing Requests
- ✓ Processing a Request
 - ✓ Estimating Cost & Tracking Fees
 - ✓ Stopping the Clock
 - ✓ Extending Due Date
 - ✓ Reassigning Requests
 - ✓ Creating Tasks, Correspondence, & Comments



Deciphering FOIAonline





Introduction to FOIAonline

- <u>February 2014</u> By DONCIO Directive,
 <u>FOIAonline</u> is the mandatory FOIA request processing database.
- The FOIA/PA Tracker ("NAVSEA Tool") is no longer authorized nor supported.
- All metrics including Annual Report data will be derived from FOIAonline.

** <u>Bottom Line</u>– you must account for your cases in FOIAonline **



FOIAonline Directive



DEPARTMENT OF THE NAVY

CHIEF INFORMATION OFFICER 1000 NAVY PENTAGON WASHINGTON DC 20350-1000

12 December 2013

MEMORANDUM FOR DIRECTOR NAVY STAFF
DIRECTOR, MARINE CORPS STAFF

Subj: DEPARTMENT OF THE NAVY IMPLEMENTATION OF FOIAONLINE

Effective 1 February 2014, all new and open Department of the Navy (DON) Freedom of Information Act (FOIA) requests will be processed through the FOIAonline tracking and management tool. This web-based tool, managed by the Environmental Protection Agency (EPA) and used by several Federal agencies, will provide a cost effective shared service that automates the tracking and reporting associated with FOIA processing.

Per standard practice, appropriate redactions will be applied prior to document release. Exceptions to releasing specific documents to the FOIAonline repository may be granted on a case-by-case basis by the applicable Navy or Marine Corps FOIA office.

FOIA offices currently using the Naval Sea Systems Command e-FOIA tool and commands that are employing other FOIA tools or methods will continue using their respective system until 31 January 2014.

Training information, including dates for web-based training via Defense Connect Online, will be provided under separate correspondence. My points of contact for FOIAonline implementation are Ms. Suzette Buttram, suzette.buttram@navy.mil, (703) 695-1970 and Mr. Steve Muck, steve.nuck@navy.mil, (703) 695-1297.

Terry A. Halvorsen
Department of the Navy
Chief Information Officer

Copy to: DON/AA CNO (DNS-36) OPNAV N2/N6 HQMC C4 HQMC (ARSF) NAVSEASYSCOM



Account Creation

- Contact either OPNAV (DNS-36) or DONCIO
 - DNS-36
 - donfoia-pa@navy.mil
 - 202-685-0412
 - DONCIO FOIA Public Liaison Mr. Chris Julka
 - DONFOIAPublicLiaison@navy.mil
 - 703-695-1970
- Logging in
 - CAC USERS
 https://foiaonline.regulations.gov/foia/action/registered/home. Select your "DoD Email" certificate to proceed to FOIAonline.
 - NON-CAC USERS
 https://foiaonline.regulations.gov/foia/action/public/home
 At the top of the window, there will be an area to input your login email and password.



System Orientation

To conduct an advanced search for a request.

To generate performance and status reports for your command

To configure your agency & sub agency settings.

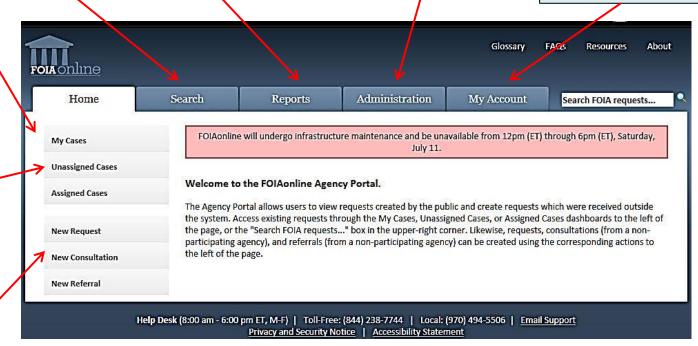
To configure your account settings.

To view cases assigned to YOU

To view cases submitted to your command

To input a new

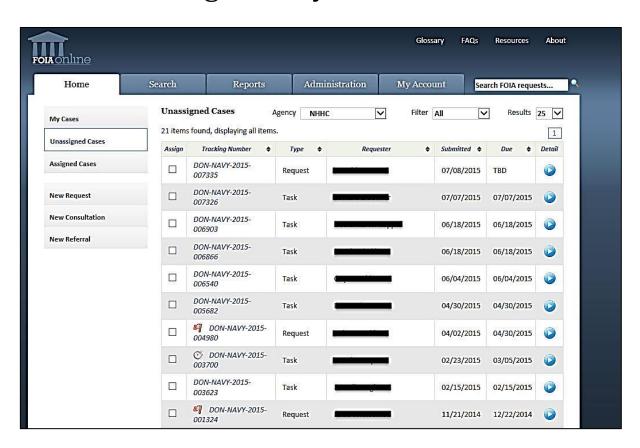
- Request
- Consultation
- Referral





Case Management

- DNS-36 recommends <u>logging into your account at least once</u> <u>per week</u> to monitor new and ongoing cases.
- <u>Check your "Unassigned Cases"</u> to determine if new cases have been submitted or reassigned to your command.
- ** You can sort your cases by leftclicking any of the column headings.





Pop Quiz!

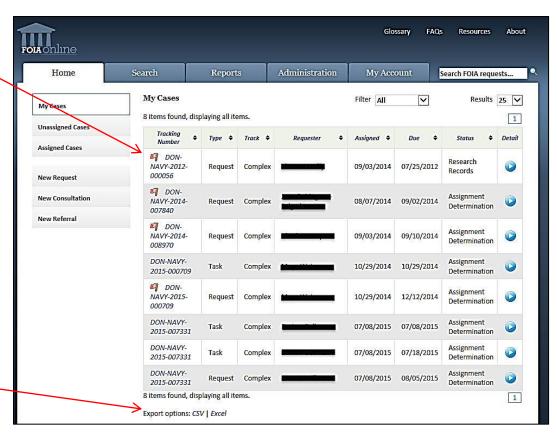
- Where can I find cases submitted to or reassigned to my command (but not directly to me)?
 - a) "My Cases" Tab
 - b) "Assigned Cases" Tab
 - c) "Unassigned Cases" Tab
 - d) But if I don't click any of them, I can pretend I never received it, right?
- □ Answer: C



Processing FOIA Requests

- FOIA Requests must be assigned to a caseworker to be processed and closed.
 - Cases become "red flagged" when they are 20 working days overdue.
 - You may also sort your cases by any of the column headings

 A list of cases may be generated in Excel or csv format.





Phases of Processing



- 1) **Submitted** The request for records has been submitted to the agency and is awaiting review.
- **Evaluation** The agency is in the process of reviewing the request to determine if the description of records is sufficient to process.
- 3) Assignment The agency is routing the request for records to the appropriate agency employee to search for records and process the request.
- 4) **Processing** An agency employee is searching for records, assessing potential responsive records, making necessary redactions, and coordinating with other agency employees.
- closed The request for records has been processed and any responsive records have been released to the requester and/or public, as appropriate.

Requesters with FOIAonline accounts can see what phase their cases are in.

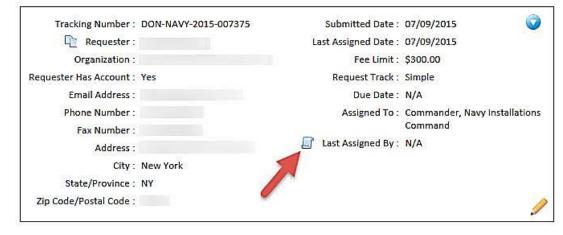


In-Processing FOIA Requests

1) Inspect submitter details.

2) Check assignment history – sometimes cases are inadvertently assigned to a command by another

user.

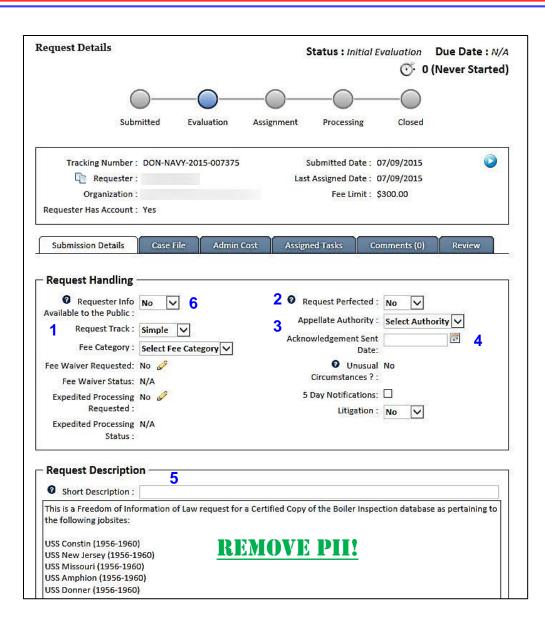


- 3) Ensure case has all elements of a perfected request:
 - a. Mailing Address
 - b. Fee Limit
 - c. Actionable Request Description



In-Processing FOIA Requests

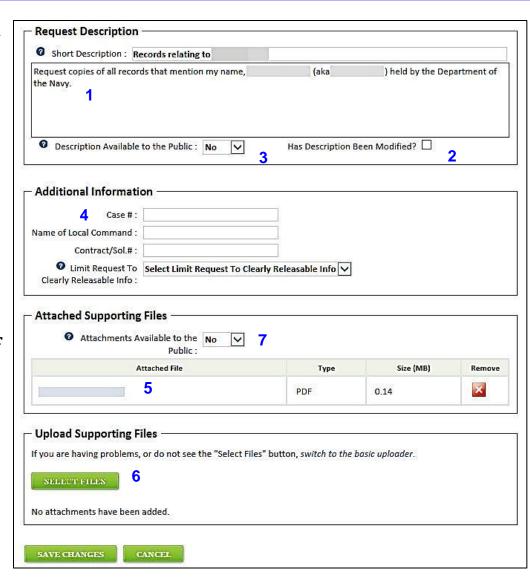
- After verifying submitter details:
- 1) Select Request Track
- 2) Determine PerfectedStatus *
- 3) Choose Appellate Authority
- 4) Acknowledge receipt of request **
- 5) Fill in Short Description
- Determine public viewing setting.
- * Leave Perfected Status as "No" if reassigning case to cognizant command.
- ** Will only work if requester's email is available.





In-Processing FOIA Requests

- 1) Verify Request Description does not contain PII.
- 2) Amend description if necessary.
- 3) Determine public viewing setting.
- 4) Add additional information as necessary.
- 5) Check Supporting Files for PII; redact and re-upload if needed.*
- 6) Upload additional supporting files if applicable. *
- 7) Determine public viewing setting.





Pop Quiz

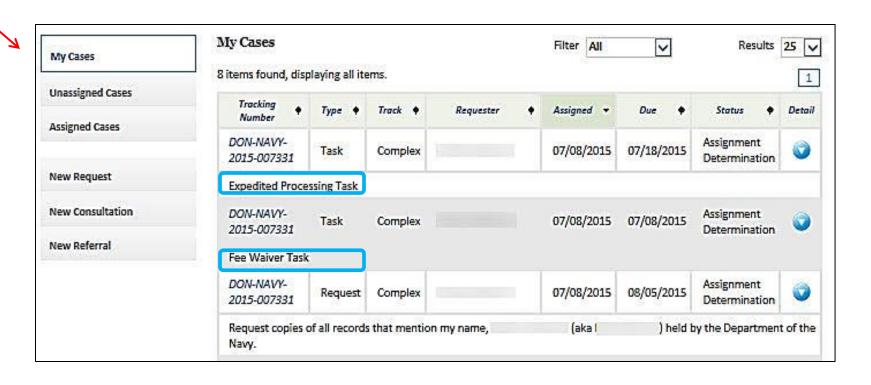
■ What must be done before any part of a FOIA request can be made available to the public?

■ **Answer:** Remove and/or redact any instances of Personally Identifiable Information (PII)



Fee Waiver Requests

- A fee waiver request is submitted in the form of a task.
- It may be viewed in "My Cases" if it is assigned to you. *

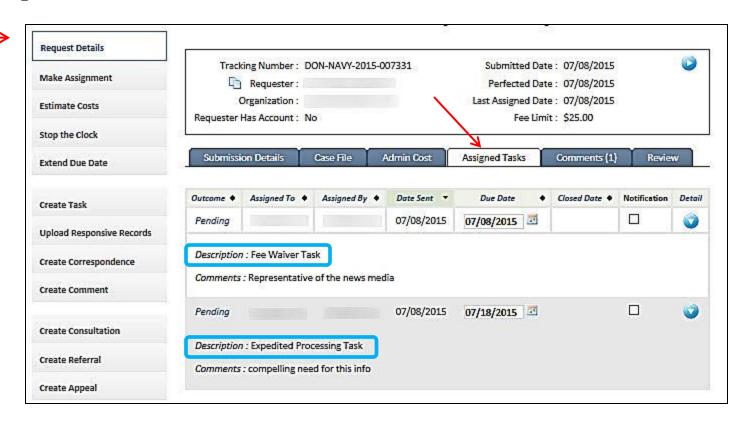


^{*} When a new request is submitted, tasks will be listed in "Unassigned Cases."



Fee Waiver Requests

 A fee waiver may also be viewed in in the "Assigned Tasks" section of the "Request Details" page of a FOIA request.





Fee Waiver Requests

To adjudicate a Fee Waiver, select "Edit or Close Out Task."

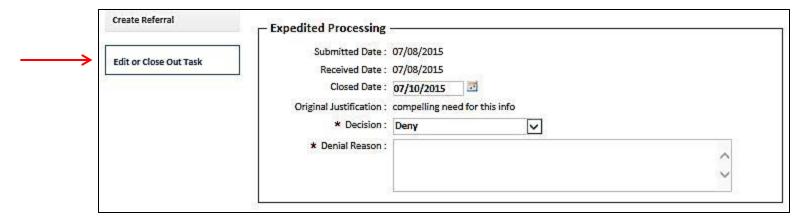
	9,09174,80915 17736					
Create Comment	Task Type: Fe	e Waiver		Assigned	iTo:	
	Due Date: 07	/08/2015		100000000000000000		
Create Consultation	Task Submitted Date: 07	/08/2015			Date: 07/08/2015	
	Task Received Date: 07	/08/2015		Last Assigned	1 By :	
Create Referral	Description : Fe	e Waiver Task				
	Comments : Re		the news medi	a		
Edit or Close Out Task	200000000000000000000000000000000000000	73.000 West control				
		8800		V Commence of the commence of	¥	
	Submission Dataile	Con Ele	Admin Core	Annual Tenton	Comments (4)	
	Submission Details Fee Waiver	Case File	Admin Cost	Assigned Tasks	Comments (1)	
Edit or Close Out Task	Fee Waiver Submitted Date Received Date Adjudication Start Date Closed Date	: 07/08/2015 : 07/08/2015 : 07/08/2015 : 07/10/2015			Comments (1)	
Edit or Close Out Task	Fee Waiver Submitted Date Received Date Adjudication Start Date Closed Date Original Justification	: 07/08/2015 : 07/08/2015 : 07/08/2015 : 07/10/2015 : Representation		nedia	Comments (1)	
Edit or Close Out Task	Fee Waiver Submitted Date Received Date Adjudication Start Date Closed Date Original Justification * Decision	: 07/08/2015 : 07/08/2015 : 07/08/2015 : 07/10/2015 : Representati			Comments (1)	
Edit or Close Out Task	Fee Waiver Submitted Date Received Date Adjudication Start Date Closed Date Original Justification	: 07/08/2015 : 07/08/2015 : 07/08/2015 : 07/10/2015 : Representati		nedia	Comments (1)	

- If the requester's email is on file, a notification will be sent informing him or her of the adjudication outcome.
- It may be a prudent course of action to send accompanying official correspondence explaining the outcome.



Expedited Processing Requests

- Expedited Processing Requests may be viewed and processed in a similar manner as Fee Waiver Requests.
- Must be adjudicated within 10 calendar days of receipt



- If the requester's email is on file, a notification will be sent informing him or her of the adjudication outcome.
- It may be a prudent course of action to send accompanying official correspondence explaining the outcome.



Pop Quiz

- Where can I locate any fee waiver and expedited processing requests? (select all that apply)
 - a) "Unassigned Cases" Tab
 - b) "My Cases" Tab
 - c) "Assigned Tasks" section of a request
 - d) All of the Above
- □ Answer: D but remember once a case and its accompanying tasks are assigned to an individual, they will no longer be locate in "Unassigned Cases."



Processing FOIA Requests

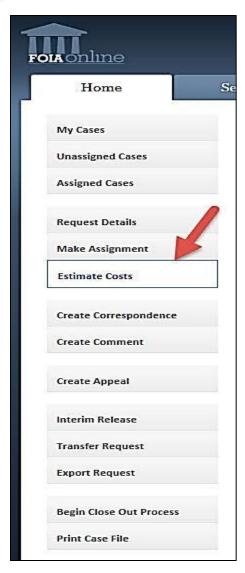
Fee Estimate

- **Issue**: A "commercial" requester submits a FOIA request stipulating a \$30 fee limit. The request is complicated and requires many hours of search and review.
- Conduct a fee estimate.
 - Form 2086
 - **FOIAonline Fee Estimate**
- Send a letter to the requester advising the projected cost.
- Stop the Clock (give the requester a specific deadline to respond)

RECORD OF FREEDOM OF INFORMAT	ION (FOI) PROCESSII	NG CC	OST		SYN	CONTR IBOL	and a	
Please read instructions on back to	before (completing form.			DI	D-DA&	ŁM(A)	1365	
1. REQUEST NUMBER 2. TYPE OF REQUEST (X one)	3. D	3. DATE COMPLETED (YYYYMMDD) 4. ACTIO				OFFICE			
2015-001297 X a. INITIAL b. APPEAL		20141203			OLA/DNS-36				
5. CLERICAL HOURS (E-9/GS-8 and below)	FEE	(1) TOTAL HOURS		(2) HOURLY RATE			(3) COS	т	
a. SEARCH	1	0.00			690			0.00	
b. REVIEW/EXCISING	2	0.00	x	\$20.00				0.0	
c. OTHER ADMINISTRATIVE COSTS	3	0.00						0.0	
B. PROFESSIONAL HOURS (O-1 - O-6/GS-9-GS-15)/CONTRAC	TOR	(1) TOTAL HOURS		(2) HOURLY RATE		+	(3) COS	T -	
a. SEARCH	1	3.50			7		15	54.00	
b. REVIEW/EXCISING	2	8.50	x	\$44.00	\$44.00 -		374.00		
c. OTHER/COORDINATION/DENIAL	3	3.25			-		143.00		
7. EXECUTIVE HOURS (O-7 - ES 1 and above)	100	(1) TOTAL HOURS	- 1	(2) HOURLY RATE	20		(3) COST		
a. SEARCH	1	0.00	-				0.00		
b. REVIEW/EXCISING	2	0.00	x	\$75.00	=		0.00		
c. OTHER/COORDINATION/DENIAL	3	0.00					0.00		
B. COMPUTER SEARCH	- 3	(1) TOTAL TIME	- 1	(2) RATE	ed.		(3) COST		
a. MACHINE TIME (Not PC, desktop, laptop)	4	0.00					0.0		
b. PROGRAMMER/OPERATOR TIME (Human)						ì			
(1) Clerical Hours	1	0.00	x	\$20.00/hr	7 -		ě	0.00	
(2) Professional Hours	1	3.50		\$44.00/hr	1		15	4.00	
9. OFFICE MACHINE COPY REPRODUCTION		(1) NUMBER	ę.	(2) RATE	e15		(3) COST		
a. PAGES REPRODUCED FOR FILE COPY	3	179	x	.15			2	26.85	
b. PAGES RELEASED		179	•	.15] -		2	26.85	
10. PRE-PRINTED PUBLICATIONS		(1) TOTAL PAGES		(2) RATE			(3) COS	т	
a. PAGES PRINTED	5	0	X .02		-			0.0	
11. COMPUTER PRODUCT OUTPUT/ACTUAL COST CHARGES		(1) NUMBER		(2) ACTUAL COST			(3) COS	aT i	
a. TAPE/DISC/CD		0	x				0.00		
b. PAPER PRINTOUT	3	0	^] -		0.00		
12. OTHER ADMINISTRATIVE FEES		(1) NUMBER		(2) ACTUAL COST	4		(3) COS	т	
a. ALL POSTAGE/ADMINISTRATIVE (See instructions)	3	1	x	7.00	-			7.00	
13. AUDIOVISUAL MATERIALS		(1) NUMBER		(2) ACTUAL COST	-		(3) COS	т	
a. MATERIALS REPRODUCED		0	X		=		1	0.00	
14. SPECIAL SERVICES	9/4	(1) NUMBER	1	(2) ACTUAL COST	7		(3) COS	т	
a. ALL SPECIAL SERVICES (See instructions)	6	0	X		-	\perp	1	0.00	
15. MICROFICHE REPRODUCED	5	0	X	.25	-			0.00	
FEE CODES		16. FOR FOI OFFI			_				
1 Chargeable to "commercial" requesters. Chargeable to "ot requesters after deducting 2 hours.	ner	a. TOTAL COLLECTABLE FEES				\$0.00			
2 Chargeable to "commercial" requesters only.		b. TOTAL PROCESSING FEES			\$885.70				
3 Not chargeable to any fee category. 4 Chargeable to "commercial". Chargeable to "other" after		c. TOTAL CHARGED d. FEES WAIVED/REDUCED (X one)			\$0.0			0.00	
deduction of the equivalent of 2 hours. (Example: deduct						Yes	×	No	
\$88.00 professional rate.) 5 Chargeable to all fee categories after deduction of 100 page.	105						No		
(DOES NOT include "commercial"). 6 Chargeable to all fee categories. No deductions.		See Chapter 6, Fee Schedule, DoD 5400.7-R, to determine appropri						priate	
to the former to be the consequence of the confliction real relationship.		assessment of fee			and the second			outhern	



Fee Estimate

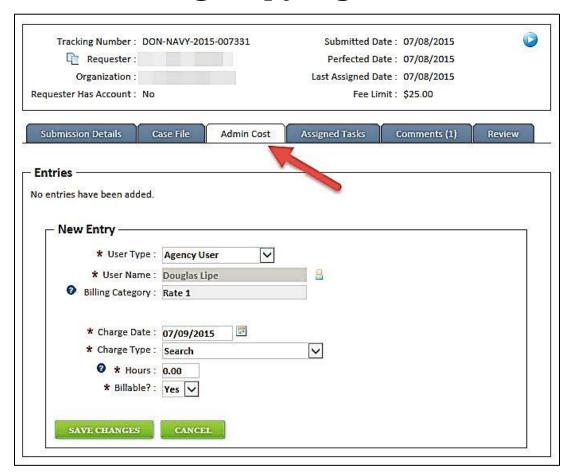


Tracking Number: DON-NAVY-2015-007266		Submitted Date: 07/03/2015				
Requester : Organization :		Last Assigned Date: 07/06/2015				
			Fee Limit : \$30.00			
Requester Has Account : Yes						
Estimate Costs						
Search Estimate :	Date 1 ·	10.00	hours @ \$44.00 /hr			
Search Estimate.	Rate 2:	NAME AND ADDRESS OF THE OWNER, TH	hours @ \$20.00 /hr			
	Rate 3:		hours @ \$75.00 /hr			
Review Estimate :	Rate 1 :	25.00	hours @ \$44.00 /hr			
	Rate 2 :	0.00	hours @ \$20.00 /hr			
	Rate 3 :	0.00	hours @ \$75.00 /hr			
Computer Search/Machine Time Estimate :		0.00	hours @ \$0.00 /hr			
Computer Search/Programmer Estimate :	Rate 1:	0.00	hours @ \$44.00 /hr			
	Rate 2:	0.00	hours @ \$20.00 /hr			
All Postage/Administrative :		0	@ \$ 1.00 /ea			
Paper Print Out :		0	@ \$0.00 /ea			
Pages Reproduced for File Copy :		0	@ \$0.00 /ea			
Microfiche Reproduced:		0	@ \$0.25/ea			
Copy:		0	@ \$0.15/ea			
Pre-Printed Publications :		0	@ \$0.02/ea			
All Special Services :		0	@ \$1.00 /ea			
Audiovisual Materials :		0	@ \$0.00 /ea			
Tape/Disc/CD :		2	@ \$5.00/ea			
Mailing:		1	@ \$6.00 /ea			
Other:		0	@ \$1.00 /ea			
TOTAL ESTIMATE :	1,556.00	כ				



Account for Processing Costs

☐ The "Admin Cost" function enables caseworkers to record costs accumulated through search, reviewing, copying, etc.



This is an efficient method to log case processing costs.

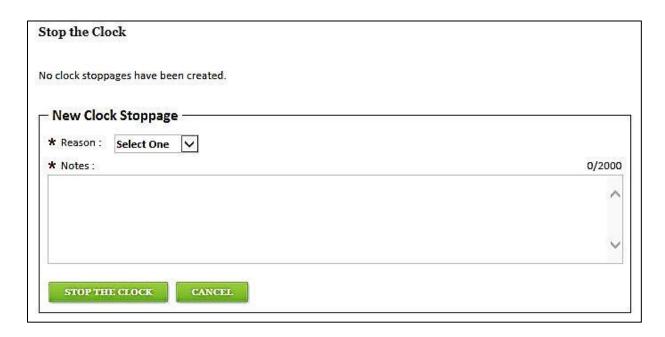
All billable fees will be included in a final system-generated invoice.



Stop the Clock *

- Stopping the clock is permitted:
 - 1) To resolve a fee discrepancy.
 - 2) To obtain request detail clarification.





* Function can only be performed when a request is assigned to a specific caseworker.



Extending the Due Date

- Required Processing Timeline
 - The FOIA mandates a *20-day* timeline in which to respond to perfected requests.
 - SECNAVINST 5270.42F permits a *10-day* extension for particularly complex cases.
 - In either case, you should communicate with the requester to discuss the expected completion date.
- Due Date Extension
 - After communicating with the requester, perform the "Extend Due Date" function in FOIAonline.*

^{*} This process is the best way to maintain good public relations (and to avert appeals and litigation).



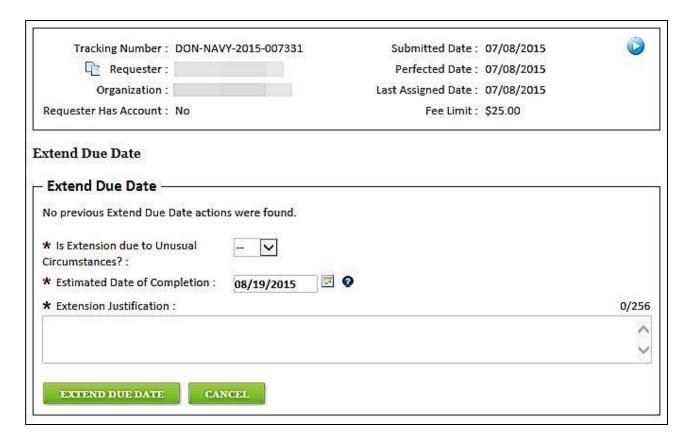
Pop Quiz

- □ What instances will permit a caseworker to stop the processing clock in FOIAonline? (select all that apply)
 - a) The caseworker is really, really busy.
 - b) To clarify the request description or scope.
 - c) The case is just too difficult.
 - d) To resolve a fee discrepancy.
- □ Answer: B and D



Extending the Due Date







Hey! This request really doesn't belong to me...

There are three methods by which to reassign/transfer a FOIA Request:

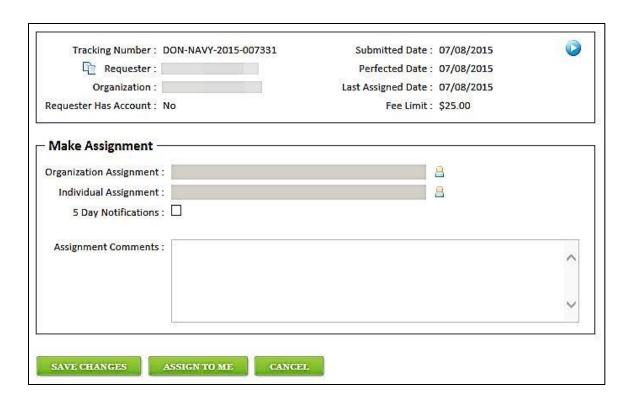
- To transfer a request to another **Navy component or subcomponent** that uses FOIAonline, you may simply use the "Make Assignment" function.
- To transfer a request to another agency that uses FOIAonline, use the "Transfer Request" function.
- To transfer a request to an **agency that does not use FOIAonline**, then it should be closed in the system (as
 "Misdirected Request") and transferred via other means email, fax, USPS, etc. *

^{*} Create a comment in the FOIA case to account for the transfer to "ABC Agency." (In case of appeal or litigation)



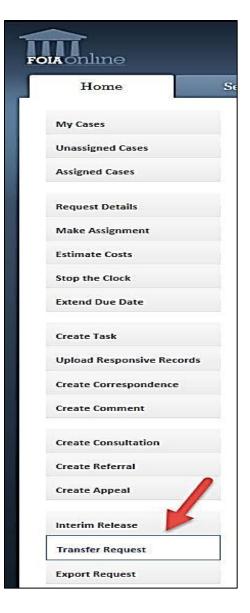
Making an Assignment to another Navy Command *



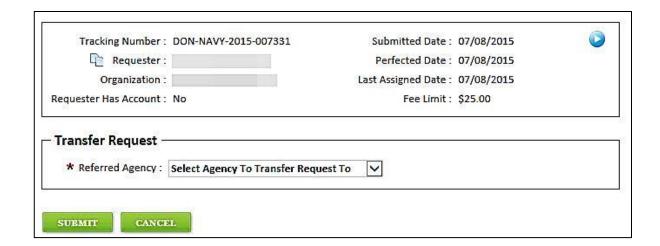


* Although FOIAonline will send an email to the command receiving the assignment...it is a prudent course of action to contact a command directly to discuss any reassignment action.





Transferring a Request to Another Agency in FOIAonline *



- Send correspondence to the requester informing him or her of this action and which office to contact to obtain the status of the request.
- Ensure the letter it is uploaded to the FOIAonline case file.



Transferring a Request to an Agency that does not use FOIAonline

- Inform requester via FOIAonline correspondence that the case is being referred to another agency.
- Send casefile to cognizant agency via email, fax, etc.
- Upload case notes, emails, and correspondence to FOIAonline.
- Close case in FOIAonline as a "Misdirected Request."
 - ** Closing FOIA requests will be covered in the afternoon session. **



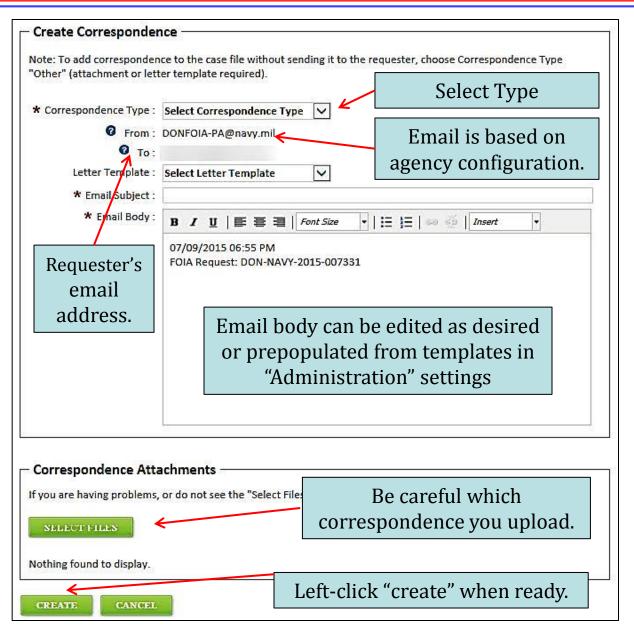
Creating Correspondence

- There are two primary reasons to create correspondence in FOIAonline:
 - To communicate with the requester.
 - To build a complete case file (emails, correspondence, case processing logs, fee estimates, etc.)
- The "Correspondence to Requester" function is used to communicate if the requester's email is on file.
- The "Other" correspondence type is used to upload information for the record (<u>not</u> viewable by requesters).



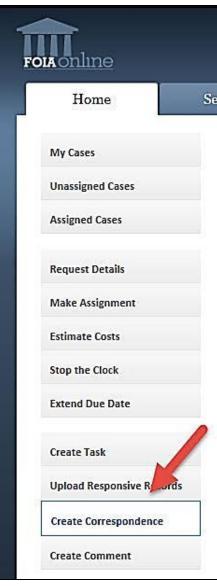
Correspondence to Requester

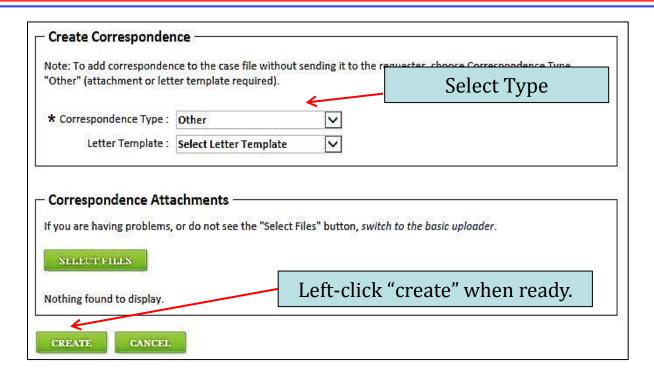






"Other" Correspondence





Applications for "Other" Correspondence:

- Case Processing Logs
- Emails pertaining to case
- Transfer, consultation, or referral letters
- Memoranda

Remember: The goal is to create a complete case file



Uploading Files

"This is kind of confusing. So, where do I upload all the files that go into a FOIA request?"

Supporting Files	Correspondence "Other"	Correspondence to Requester	Responsive Records	Restricted Materials
FOIA Requests	Coordination Emails	Acknowledgement letter	Actual Responsive Records	Sensitive (unclass) files
Attachments to Requests	Research Materials	Interim Response	Placeholders	
Envelope in which it was sent.	Admin Log	Final Response		
	Memos	Any official correspondence		37



FOIAonline Correspondence

WARNING:

Do not attempt to <u>simultaneously</u> upload "other" correspondence AND correspondence to the requester!





Pop Quiz

- □ Can you communicate with a requester through the "Correspondence to Requester" function if they don't have an account?
 - a) Yes
 - b) No
 - c) It depends
 - d) Wait...you can send stuff to requesters in the tool?
- □ Answer: C they must have a valid email address in their request submission.



Creating Comments

- ☐ The comments section serves as a discussion forum (not viewable by requesters).
- Any caseworker that can view the request, can make a comment.
- ☐ The function is particularly useful to explain case processing actions including the following:
 - Reason for case reassignment.
 - Reason for transfer to outside agency.
 - Documenting a communication with a requester.
 - Case processing notes to other caseworkers.
- Comments may be edited or deleted.



Creating Comments



- In this case, a team lead wrote a comment in the case file directing a caseworker to contact the requester to clarify the request description.
- Comments are also useful to appellate authorities in the event an appeal is submitted.



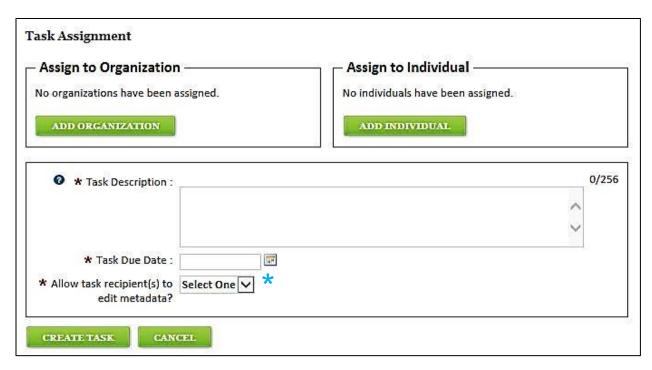
Creating Tasks

- Tasks allow multiple caseworkers and/or subcomponents to work on a case at the same time.
- Tasks may only be assigned laterally or to lowerechelon subcomponents.
- This function is useful for the following:
 - <u>Determining cognizance</u> over a request.
 - <u>Conducting a search</u> for responsive records.
 - Reviewing and redacting responsive records.
- A due date may be assigned to track open tasks.
- A request *cannot* be closed with tasks still pending.



Creating Tasks



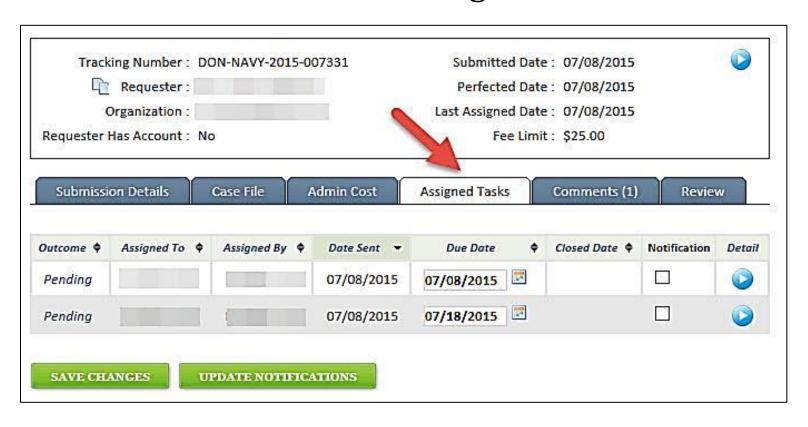


* Allowing task recipients to edit metadata will enable them to alter request track setting, fee category, etc.



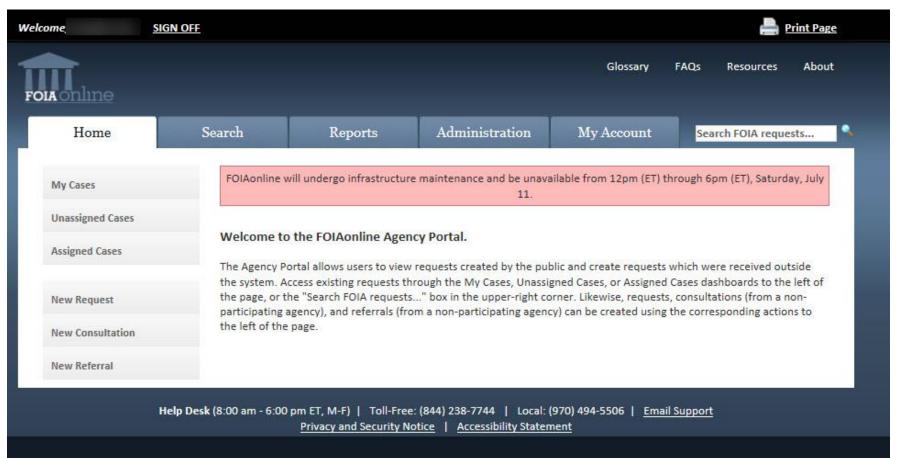
Creating Tasks

How do I view all assigned tasks?





FOIAonline Demonstration



FOIAonline



Common Pitfalls

- Not checking "Unassigned Cases" for new FOIA requests!
- Uploading agency files to "Supporting Documents."
- Failure to perform the following actions:
 - Select request track.
 - Select fee category.
 - Select appellate authority.
 - Send an acknowledgement to the requester.
- Failure to remove PII from the request description or supporting documentation.



What's up Next?

- ☐ The afternoon session will cover the following topics:
 - ✓ Processing FOIA Requests
 - ✓ Uploading Responsive Documents
 - ✓ Generating an Invoice
 - ✓ Closing Out a FOIA request
 - ✓ Using the Search Function
 - ✓ Using the Reports Function
 - ✓ Configuring Profile Settings
 - ✓ Administration Settings
 - ✓ Individual Account Settings



Saved Rounds

